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FACEBOOK, INC. and MARK ZUCKERBERG

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FACEBOOK, INC. and MARK ZUCKERBERG, Plaintiffs, v. CONNECTU, INC. (formerly known as CONNECTU, LLC), CAMERON WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA, PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA, Defendants.	Case No. 5:07-CV-01389-RS **DECLARATION OF THERESA A. SUTTON PURSUANT TO CIVIL LOCAL RULE 79-5(D) WITHDRAWING THE CONFIDENTIAL DESIGNATION OF EXHIBIT 2 TO DOCKET NO. 92** Date: July 11, 2007 Time: 9:30 A.M. Judge: Honorable Richard Seeborg

Dockets.Justia.com

I, Theresa A. Sutton, declare as follows:

1. I am an associate with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel to Plaintiffs Facebook, Inc. and Mark Zuckerberg. I am licensed to practice law in the State of California. I have personal knowledge of the facts and circumstances set forth in this Declaration. If called as a witness, I could and would testify competently to the matters set forth herein. I make this Declaration pursuant to Civil L.R. 79-5(d).

2. On June 25, 2007, Facebook lodged several exhibits with the Court pending this Court's ruling on its Administrative Request to Seal those documents (Dkt. No. 93). Though Exhibit 2 to the Declaration of Monte M.F. Cooper in Support of Plaintiffs' Opposition to PNS and Williams' Motion to Dismiss (Dkt. 92) is not generally available to the public and has not been otherwise made public, Facebook hereby withdraws its "Confidential" designation on Exhibit 2. As a result, Exhibit 2 to Docket No. 92 need not be sealed in the Court's records.

3. Exhibit 2 will be separately re-filed.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 7th day of September, 2007, at Menlo Park, California.

/s/ Theresa A. Sutton /s/

Theresa A. Sutton

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on September 7, 2007.

Dated: September 7, 2007.

Respectfully submitted,

/s/ Theresa A. Sutton /s/
Theresa A. Sutton